

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

HARRY EVANS : CIVIL ACTION  
              :  
              :  
v.           :  
              :  
              :  
THE ATTORNEY GENERAL OF :  
THE STATE OF PENNSYLVANIA : NO. 10-5118

ORDER

AND NOW, this 16th day of May, 2011, upon consideration of Harry Evans' petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 (docket entry # 1), the Commonwealth's response thereto (docket entry # 10) and memorandum from prison official in support thereof (docket entry # 11), and after careful and independent review of the Report and Recommendation of United States Magistrate Judge Linda K. Caracappa (docket entry # 12), to which no one filed objections within the time that Local R. Civ. P. 72.1 IV(b) prescribes, and the Court finding that in Judge Caracappa's well-reasoned Report and Recommendation she properly examined all issues of fact and law relevant to the disposition of Evans' petition, it is hereby ORDERED that:

1. The Report and Recommendation (docket entry # 12) is APPROVED and ADOPTED;
2. Evans' petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 (docket entry # 1) is DENIED;

3. Evans having failed to make a substantial showing of the denial of a constitutional right, we decline to issue a certificate of appealability; and

4. The Clerk of Court shall statistically CLOSE this case.

BY THE COURT:

/s/ Stewart Dalzell, J.